

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al. (EP 1 184 193 A2) in view of Poncelet et al. (US 5,888,711).
3. Claims 1-11: Campbell teaches an ink jet recording element comprising a substrate and a porous image receiving layer on the substrate, wherein the substrate contains a base polyester layer and an upper polyester layer on the base polyester layer, wherein the upper polyester layer has an ink absorbency rate of less than 10 seconds and a total absorbency capacity of at least 14 cm²/m² (abstract). Campbell does not teach the image receiving layer comprises at least one aluminosilicate polymer and no binder as recited in claim 1. However, Poncelet teaches a coating composition to be provided on a support (col. 2, line 26), wherein the coating composition comprises aluminosilicate polymer obtained from aluminum and silicon alkoxide in a presences of aqueous alkali, wherein the Al molar concentration being maintained in the range of 0.0005-0.02, Al/Si molar ratio between 1 and 3 (col. 1, lines 55-63) and the amount of the alkali, in moles, is between 2 and 3 times the amount of aluminum (col. 3, line 26). The aluminum, silicone alkoxide and aqueous alkali are mixed before heating (col. 1, lines 58-63), and byproducts such as residual ions are eliminated before coating the coating composition (col. 2, line 1). The coating composition does not contain a binder. The alkali comprises sodium or

Art Unit: 1794

potassium {meets instant claim 2} (col. 3, line 20). The Al molar concentration being maintained in the range of 0.0005-0.02 {meets instant claims 3 and 4} (col. 1, lines 61 and 62). The amount of the alkali, in moles, is between 2 and 3 times the amount of aluminum {meets instant claims 5-7} (col. 3, line 26). Aluminum halide is an example of the aluminum to obtain the aluminosilicate polymer and tetraethylorthosilicate is an example of the silicon alkoxide to obtain the aluminosilicate polymer {meets instant claims 8-10} (col. 5, lines 21-25). At least in one of the examples (Example 1), the coating composition comprises substantially the aluminosilicate polymer to be provided the support {meets instant claim 11}. Campbell and Poncelet are analogous art because they from similar problem solving area in relation to polymeric aluminosilicate material. At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the aluminosilicate polymer containing coating composition of Poncelet with the invention of Campbell, and the motivation would be, as Poncelet suggests, providing a permeable and antistatic coating layer (col. 2, line 15).

4. Claim 12: Campbell teaches the base polyester layer comprises polyethylene terephthalate [0039].

5. Claim 13: Campbell teaches the upper polyester layer comprises PETG [0039].

6. Claim 14: Campbell teaches the upper polyester layer further comprises microbeads/voiding agent in an amount of 30-50% of the layer [0026].

7. Claim 15: Campbell teaches inorganic fillers such as silica, alumina, barium sulfate and calcium carbonate, and organic fillers such as polystyrene, polymethyl methacrylate, polycarbonate and polyolefins as the microbeads/voiding agents [0026].

Art Unit: 1794

8. Claim 16: Campbell teaches the particle size of the microbeads is between 0.1-50um [0026].
9. Claim 17: Campbell teaches the upper polyester layer has interconnecting voids [0019].

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betelhem Shewareged whose telephone number is (571)272-1529. The examiner can normally be reached on Monday-Friday 9am-5pm.
11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BS

June 8, 2008.

/Betelhem Shewareged/
Primary Examiner, Art Unit 1794.